

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

DOCKET NO. 2021-277-C

Application of)	
)	
ExteNet Systems, Inc.)	
)	
and)	DIRECT TESTIMONY OF BRIAN KIRK
)	
ExteNet Asset Entity, LLC)	
)	
For Approval to Transfer Customers and)	
Certain Assets)	

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 **A.** My name is Brian Kirk. My business address is 3030 Warrenville Rd., Suite 340, Lisle, IL
3 60532.

4 **Q. BY WHOM AND IN WHAT CAPACITY ARE YOU EMPLOYED?**

5 **A.** I am Deputy General Counsel at ExteNet Systems, Inc. (“ESI”), which is the corporate
6 parent of ExteNet Asset Entity, LLC (“EAE”). I am authorized to provide this testimony
7 on behalf of ESI and its subsidiaries, including EAE (collectively, “ExteNet”).

8 **Q. PLEASE BRIEFLY OUTLINE YOUR BACKGROUND.**

9 **A.** I joined ExteNet in June 2010, and currently manage legal, regulatory and compliance
10 functions for the company and its subsidiaries, including EAE. Prior to joining ExteNet, I
11 previously served as Senior Counsel at Motorola handling carrier customer accounts,
12 product liability, and other regulatory matters, and as an attorney at the Chicago-based law
13 firm Stevens & Associates. I received my B.S. in Environmental Science from Washington
14 University in St. Louis, and my J.D. from the Chicago-Kent College of Law.

1 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING HERE TODAY AND WHAT IS**
2 **THE PURPOSE OF YOUR TESTIMONY?**

3 **A.** I am testifying on behalf of ESI and EAE. The purpose of my testimony is to support the
4 intra-corporate transaction (“Transaction”) that will involve the assignment of certain
5 contracts from ESI to EAE, including customer accounts and contracts, antennas, fiber,
6 and other telecommunications equipment, by demonstrating that the transaction will be
7 virtually seamless to customers and that the approval of the transaction is in the public
8 interest.

9 **Q. ARE ALL THE STATEMENTS IN THE APPLICATION CORRECT AND TRUE**
10 **TO THE BEST OF YOUR KNOWLEDGE, INFORMATION, AND BELIEF?**

11 **A.** Yes.

12 **Q. DO YOU WISH TO INCORPORATE BY REFERENCE ANY DOCUMENTS INTO**
13 **THIS TESTIMONY?**

14 **A.** Yes. I wish to incorporate, by reference, the underlying Application filed in this proceeding
15 and its associated exhibits.

16 **Q. PLEASE DESCRIBE THE INTRA-CORPORATE TRANSACTION.**

17 **A.** The Transaction is part of a plan to expand the ExteNet family of authorized operating
18 companies to better align their businesses with current and future customer focus and
19 growth and to obtain additional debt financing. As a result of the Transaction, certain
20 contracts and related network assets will be assigned from ESI to EAE, including customer
21 accounts and contracts, antennas, fiber, and other telecommunications equipment.
22 Following this intra-corporate Transaction and the grant of EAE’s Certification
23 Application, EAE will primarily provide service and networks targeted to WSPs. ESI will

1 continue to operate under its existing certificate and will continue to develop, sell, and
2 construct new distributed networks, along with providing “lit” services to commercial users
3 and new services. A depiction of the Transaction is provided in Exhibit A of the
4 Application.

5 **Q. HOW WILL THE INTRA-CORPORATE TRANSACTION AFFECT**
6 **CUSTOMERS?**

7 **A.** To assure seamless and uninterrupted service, all of the customers assigned to EAE will
8 continue to receive service from EAE under the same rates, terms and conditions of
9 services as governed their existing contracts with ESI. EAE will offer point-to-point
10 telecommunications services to WSPs, other telecommunications carriers and
11 communications providers. Future changes in the rates, terms and conditions of service to
12 the affected customers will be undertaken pursuant to customer contracts and the applicable
13 federal and state notice and tariff requirements.

14 The Transaction will not cause confusion or disruption to customers since EAE will
15 market and perform its services under the “ExteNet” brand with which customers are
16 familiar, will provide existing customers with the same rates and terms of service, and will
17 operate through the same customer service, technical, operational and managerial
18 personnel.

19 **Q. WILL GRANTING THE APPLICATION SERVE THE PUBLIC INTEREST?**

20 **A.** The proposed Transaction serves the public interest. The Transaction will result in the
21 assignment of customers and assets to an affiliated company that will continue to provide
22 telecommunications services to such assigned customers without interruption. Following
23 grant of requested authority, EAE will offer services at the same rates and on the same

1 terms and conditions as currently provided under the “ExteNet” brand (subject to future
2 changes pursuant to applicable law and contract provisions). Given that EAE and ESI share
3 the same management team, customers will benefit from that team’s knowledge and
4 experience in the South Carolina market. EAE will operate its networks and offer services
5 designed to meet the individual needs of its WSP, other telecommunications carrier, and
6 communications provider customers in providing high quality services in an efficient and
7 cost-effective manner. ESI will continue to operate under its existing certificate and will
8 continue to develop, sell, and construct new distributed networks, along with providing
9 “lit” services to commercial users and new services.

10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A.** Yes, it does.